

REMARKS

Applicants appreciate the time taken by the Examiner to review Applicants' present application. This application has been carefully reviewed in light of the Official Action mailed September 25, 2007. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 102

Claims 1,3,6, 9-16,19, 22-29, 32 and 35-39 stand rejected under 35 U.S.C. § 102(e) as being unpatentable IBE et al (IBE), U.S. Patent Pub. No. 2004/0218575. The Examiner states:

Regarding claims 1, 14 and 27, IBE discloses a method for servicing communications from a Call Control Entity (CCE) to a wireless terminal, comprising: communicatively coupling the CCE with a wireless local area network (WLAN); receiving at the CCE a call for the wireless terminal; determining if the wireless terminal is serviced by the WLAN; delivering the call to the wireless terminal via the WLAN if the wireless terminal is serviced by the WLAN; and attempting to deliver the call to the wireless terminal via a cellular network if the wireless terminal is not serviced by the WLAN (0039 and 0047).

Regarding claim 3, IBE discloses the method of claim 1, further comprising: determining a location of the wireless terminal relative to a coverage area of the WLAN; determining the location of the wireless terminal relative to a coverage area of the cellular network; servicing the call with the WLAN when the location of the wireless terminal is within the coverage area of the WLAN; and servicing the call with the cellular network when the location of the wireless terminal is outside the coverage area of the WLAN but within the coverage area of the cellular network (0039 and 0044; figure 1).

Regarding claim 6, IBE discloses the method of claim 3, further comprising initiating a handoff of the call from the WLAN to the cellular network before a loss of signal with the WLAN is expected to occur, based on the relative motion of the wireless terminal towards a boundary of a coverage area of the WLAN (0044,0045).

Regarding claim 9, IBE discloses the method of claim 1, further comprising delivering the call to the wireless terminal via the WLAN or the cellular network based on comparing the signal quality of the WLAN and the signal quality of the cellular network (0045).

Regarding claim 10, IBE discloses the method of claim 1, further comprising comparing signal strengths from a plurality of Access Points (APs) in the WLAN to determine whether to service the wireless terminal with the WLAN or the cellular network (0044 and 0045).

Regarding claim 11, IBE discloses the method of claim 3, further comprising observing the signal strengths over time from a plurality of APs to predict whether the wireless terminal is leaving a coverage area of the WLAN (0045).

Regarding claim 12, IBE discloses the method of claim 3, further comprising: comparing relative signal quality of the cellular network and the WLAN; and choosing to service the call based on relative service quality between the parallel communication path and the WLAN (0044 and 0045).

Regarding claim 13, IBE discloses the method of claim 3, further comprising: servicing the call to the wireless terminal via the cellular network when the signal quality of a serving Access Point (AP) fails to meet the first handoff threshold and when signal strengths of all Access Points (APs) in the WLAN are decreasing (0044).

Regarding claim 14, Applicant respectfully repeats the arguments made above with respect to amended Claim 1.

Regarding claim 15, IBE discloses the method of claim 14, further comprising: determining a location of the wireless terminal relative to a coverage area of the WLAN; determining the location of the wireless terminal relative to a coverage area of the alternative network; servicing the call with the WLAN when the location of the wireless terminal is within the coverage area of the WLAN; and servicing the call with the alternative network when the location of the wireless terminal is outside the coverage area of the WLAN but within the coverage area of the alternative network (0039,0044).

Regarding claim 16, IBE discloses the method of claim 14, wherein the alternative network comprises a cellular network (figure 1).

Regarding claim 19, IBE discloses the method of claim 14, further comprising initiating a handoff of the call from the WLAN to the alternative network before a loss of signal within the WLAN based on the relative motion of the wireless terminal relative to a boundary of a coverage area of the WLAN (0044, 0045).

Regarding claim 22, IBE discloses the method of claim 14, further comprising determining whether to handoff/deliver call to wireless terminal via WLAN or the alternative network based on comparing the signal quality of the WLAN and the signal quality of the alternative network (0044,0045).

Regarding claim 23, IBE discloses the method of claim 14, further comprising comparing signal strengths from a plurality of Access Points (APs) in the WLAN to determine whether to service the wireless terminal with the WLAN or the alternative network (0044, 0045).

Regarding claim 24, IBE discloses the method of claim 14, further comprising observing the signal strengths over time (continuous) from a plurality of APs to predict whether the wireless terminal is leaving a coverage area of the WLAN (0045).

Regarding claim 25, IBE discloses the method of claim 14, further comprising: comparing relative signal quality of the parallel communication path and the WLAN; and choosing to service the call based on relative service quality between the parallel communication path and the WLAN (0044, 0045).

Regarding claim 26, IBE discloses the method of claim 14, further comprising: servicing the call to the wireless terminal via the alternative network when the signal quality of a serving Access Point (AP) fails to meet the first handoff threshold and when a signal strength of all Access Points (APs) in the WLAN are decreasing (0044).

Regarding claim 27, IBE discloses a method for servicing a wireless terminal via a wireless local area network (WLAN) comprising: servicing a call with the wireless terminal via a cellular network; determining that a service quality supportable by the WLAN meets a first handoff threshold; establishing a parallel communication path to the wireless terminal via the WLAN; and when the service quality supported by the WLAN meets a second handoff threshold, terminating the communication path to the wireless terminal via the cellular network; and when the service quality supported

by the WLAN subsequently fails meets the first handoff threshold, terminating the communication path to the wireless terminal via the WLAN (0044-0047).

Regarding claim 28, IBE discloses the method of claim 27, further comprising: determining a location of the wireless terminal relative to a coverage area of the WLAN; determining the location of the wireless terminal relative to a coverage area of the alternative network; servicing the call with the WLAN when the location of the wireless terminal is within the coverage area of the WLAN; and servicing the call with the alternative network when the location of the wireless terminal is outside a coverage area of the WLAN but within the coverage area of the alternative network (0039-0044).

Regarding claim 29, IBE discloses the method of claim 27, wherein the alternative network comprises a cellular network (figure 1).

Regarding claim 32, IBE discloses the method of claim 27, further comprising initiating a handoff of the call from the WLAN to the alternative network before a loss of signal within the WLAN based on the relative motion of the wireless terminal relative to a boundary of a coverage area of the WLAN (0044, 0045).

Regarding claim 35, IBE discloses the method of claim 28, further comprising determining whether to handoff/deliver call to wireless terminal via WLAN or the alternative network based on comparing the signal quality of the WLAN and the signal quality of the alternative network (0044-0046).

Regarding claim 36, IBE discloses the method of claim 27, further comprising comparing signal strengths from a plurality of Access Points (APs) in the WLAN to determine whether service the wireless terminal with the WLAN or the alternative network (0044-0046).

Regarding claim 37, IBE discloses the method of claim 27, further comprising observing the signal strengths over time from a plurality of APs to predict whether the wireless terminal is leaving a coverage area of the WLAN (0045).

Regarding claim 38, IBE discloses the method of claim 27, further comprising: comparing relative signal quality of the parallel communication path and the WLAN; and choosing to service the call based on relative service quality between the parallel communication path and the WLAN (0044, 0045).

Regarding claim 39, IBE discloses the method of claim 27, further comprising: servicing the call to the wireless terminal via the alternative network when the signal quality of a serving Access Point (AP) fails to meet the first handoff threshold and when a signal strength of all Access Points (APs) in the WLAN are decreasing (0044).

Applicant respectfully submits that the independent claims as amended are patently distinct over IBE. The claimed invention determines the physical location of the wireless terminal relative to individual access points within the WLAN and may allocate WLAN resources to service the call when the wireless terminal is within a coverage area of at least one access point based on call servicing factors. The applicant respectfully submits that IBE does not allocate WLAN resources based on call servicing factors. Specifically call servicing factors may include “signal quality, available bandwidth and cost”. (10/780, 160 Page 7 Lines 17-19). The applicant respectfully submits that IBE merely determines if the wireless terminal is within the coverage of the WLAN and preferentially services the call with the WLAN without considering other call servicing factors such as signal quality, cost and available bandwidth. The present invention allows for the call to be serviced by an alternate network even though the wireless terminal is within the coverage average of the WLAN dependent on the desired signal quality, available bandwidth, and cost functions. When WLAN resources sufficient to service the call are not available as determined by the call servicing factors and the existing conditions the present invention allows for an alternative network such as cellular, satellite or other networks to service and handle the call.

With respect to claim 3 the applicant respectfully submits that IBE fails to disclose the allocation of WLAN resources to service the call. In that the servicing of the call will be handled with an alternate network should WLAN resources not be available or not be allocated based on cost, bandwidth and signal quality as well as other call factors.

With regards to claim 6, the applicant respectfully submits that physical boundaries may be taken into account within embodiments of the present invention. As claimed, motion towards a boundary of a coverage area does not necessarily initiate a handoff when a physical boundary prevents the wireless terminal from actually reaching the coverage boundary of the coverage area of the WLAN. For example a wireless terminal located within a room traveling towards a wall wherein the wireless coverage area extends beyond the wall the wall may prevent the wireless terminal from leaving the coverage area and the present invention allows this to be accounted for.

With respect to Claim 9, applicant respectfully submits that IBE does not compare the signal quality of the WLAN and the signal quality of the cellular network. Rather as is cited by the examiner, the mobile device measures the signal strength within the WLAN to determine when it needs to be handed over to the WWAN. "When the received signal strength indicator falls below a pre-determined threshold the mobile device initiates the handoff process." (IBE, Paragraph 0045) The applicant respectfully submits that IBE merely compares the WLAN signal strength to a predetermined threshold and when the signal strength as received falls below a predetermined threshold the handoff may be prompted. The present invention compares the signal quality of both the WLAN and the cellular network in order to determine which network may be better suited to handle the call. This again is also taken into consideration with respect to the location and relative motion of the wireless terminal to the WLAN. For example, should a signal quality of the WLAN momentarily provide a better signal than that of the cellular network would not occur if the relative motion would indicate a need to return to the cellular network prior to the completion of the handoff.

With respect to Claim 10, applicant respectfully submits that IBE as cited fails to compare the signal strength of a number of access points within a WLAN to determine whether or not service to the wireless terminal with the WLAN or the cellular network. The applicant respectfully submits that in IBE no comparison is made between access points as cited in Paragraphs 0044 and 0045 within the WLAN. Again no comparison is made between the signal strength available through the access points of the WLAN and the cellular network. Rather a received signal strength indicator is examined to determine when it falls below a predetermined threshold. The applicant respectfully submits that this differs as previously stated from the claimed invention as the claimed invention compares the two networks and the available network connections while IBE merely compares a signal network connection to a predetermined static threshold.

Regarding Claim 11, the applicant respectfully submits that IBE as cited fails to observe the signal strength over time from a number of access points to predict whether the wireless terminal is leaving a coverage area. For example, by observing the signal strength from a number of access points the wireless terminal may determine its relative location within the wireless local area network within the coverage area. Additionally by observing the signal strength from a number of access points one can determine that if the signal strength from all access points is decreasing that there is no expected available access point to handoff the wireless terminal to within the WLAN. However, when certain access points' signal strengths are increasing and other access points' signal strengths are

decreasing the wireless terminal may predict that it is merely transitioning from one access point to another access point within the coverage area as opposed to leaving the coverage area. Again this may be differentiated from what is taught in Paragraph 0045 of IBE, because IBE merely compares the received signal strength to a predetermined threshold. The present invention as claimed compares received signal strength from a number of access points and cellular coverage in order to determine how the call may best be handled.

Regarding Claim 13, the applicant respectfully submits that Claim 13 may be distinguished from IBE in that IBE again fails to examine the signal strength of other available access points within the WLAN. Rather IBE merely compares the received signal strength with a predetermined threshold. The claimed invention determines whether or not any other available access points are decreasing in signal strength. Thus another available access point may still exceed the handoff threshold; however, because it is decreasing in signal strength it is still desirable to hand the call off to the cellular network as opposed to performing two handoffs from one access point to a second access point prior to handing off to the cellular network.

With respect to Claim 14, the applicant respectfully submits that the claimed invention as presented in Claim 14 may be distinguished from that of IBE in that IBE only compares the signal quality as received at the wireless terminal to a single handoff threshold. The claimed invention compares the signal quality to a first handoff threshold and a second handoff threshold. When the first handoff threshold is reached, a parallel communication path is established. Below the first handoff threshold both the signal pathway through the WLAN and the alternative network are available to service the communication. However, should the signal quality fall below a second handoff threshold, wherein the second handoff threshold is not present in IBE, the handoff is completed and the communication is serviced by the alternative network. However, should the signal quality increase above the first handoff threshold, the parallel communication pathway via the alternative network is severed and the call may have continuously serviced by the WLAN. IBE merely compares the received signal strength to a single threshold in order to initiate a handoff.

Regarding Claim 15, as previously stated the applicant respectfully submits that IBE fails to teach the determination of the location of the wireless terminal relative to the coverage area of the WLAN. Rather IBE merely determines whether or not a cellular control is proxying for the mobile device.

Regarding Claim 16, the applicant respectfully submits that the claimed invention as presented in Claim 14 may be distinguished from that of IBE in that IBE only compares the signal quality as received at the wireless terminal to a single handoff threshold. The claimed invention compares the signal quality to a first handoff threshold and a second handoff threshold. When the first handoff threshold is reached, a parallel communication path is established. Below the first handoff threshold both the signal pathway through the WLAN and the alternative network are available to service the communication. However, should the signal quality fall below a second handoff threshold, wherein the second handoff threshold is not present in IBE, the handoff is completed and the communication is serviced by the alternative network. However, should the signal quality increase above the first handoff threshold, the parallel communication pathway via the alternative network is severed and the call may have continuously serviced by the WLAN. IBE merely compares the received signal strength to a single threshold in order to initiate a handoff.

Regarding Claim 19, the applicant respectfully submits that IBE fails to teach the initiation of a handoff from between wireless networks before a loss of signal based on relative motion. IBE "measures the signal strength" (IBE Paragraph 0045) while the present invention examines the relative motion between the wireless terminal and the coverage area boundaries of the WLAN such that a handoff may occur based on the relative motion. Unlike IBE a strong signal strength indicator may be received above a pre-defined threshold and the handoff will be initiated on the relative motion of the wireless terminal towards the boundary of the coverage area.

With respect to Claim 22, applicant respectfully submits that IBE does not compare the signal quality of the WLAN and the signal quality of the cellular network. Rather as is cited by the examiner, the mobile device measures the signal strength within the WLAN to determine when it needs to be handed over to the WWAN. "When the received signal strength indicator falls below a pre-determined threshold the mobile device initiates the handoff process." (IBE, Paragraph 0045) The applicant respectfully submits that IBE merely compares the WLAN signal strength to a predetermined threshold and when the signal strength as received falls below a predetermined threshold the handoff may be prompted. The present invention compares the signal quality of both the WLAN and the cellular network in order to determine which network may be better suited to handle the call. This again is also taken into consideration with respect to the location and relative motion of the wireless terminal to the WLAN. For example, should a signal quality of the WLAN momentarily

provide a better signal than that of the cellular network would not occur if the relative motion would indicate a need to return to the cellular network prior to the completion of the handoff?

With respect to Claim 23, applicant respectfully submits that IBE as cited fails to compare the signal strength of a number of access points within a WLAN to determine whether or not service to the wireless terminal with the WLAN or the cellular network. The applicant respectfully submits that in IBE no comparison is made between access points as cited in Paragraphs 0044 and 0045 within the WLAN. Again no comparison is made between the signal strength available through the access points of the WLAN and the cellular network. Rather a received signal strength indicator is examined to determine when it falls below a predetermined threshold. The applicant respectfully submits that this differs as previously stated from the claimed invention as the claimed invention compares the two networks and the available network connections while IBE merely compares a signal network connection to a predetermined static threshold.

Regarding Claim 25, the applicant respectfully submits that IBE as cited fails to observe the signal strength over time from a number of access points to predict whether the wireless terminal is leaving a coverage area. For example, by observing the signal strength from a number of access points the wireless terminal may determine its relative location within the wireless local area network within the coverage area. Additionally by observing the signal strength from a number of access points one can determine that if the signal strength from all access points is decreasing that there is no expected available access point to handoff the wireless terminal to within the WLAN. However, when certain access points' signal strengths are increasing and other access points' signal strengths are decreasing the wireless terminal may predict that it is merely transitioning from one access point to another access point within the coverage area as opposed to leaving the coverage area. Again this may be differentiated from what is taught in Paragraph 0045 of IBE, because IBE merely compares the received signal strength to a predetermined threshold. The present invention as claimed compares received signal strength from a number of access points and cellular coverage in order to determine how the call may best be handled.

Regarding Claim 26, the applicant respectfully submits that Claim 13 may be distinguished from IBE in that IBE again fails to examine the signal strength of other available access points within the WLAN. Rather IBE merely compares the received signal strength with a predetermined threshold. The claimed invention determines whether or not any other available access points are decreasing in signal strength. Thus another available access point may still exceed the handoff threshold; however,

because it is decreasing in signal strength it is still desirable to hand the call off to the cellular network as opposed to performing two handoffs from one access point to a second access point prior to handing off to the cellular network.

With respect to Claim 27, the applicant respectfully submits that the claimed invention as presented in Claim 27 may be distinguished from that of IBE in that IBE only compares the signal quality as received at the wireless terminal to a single handoff threshold. The claimed invention compares the signal quality to a first handoff threshold and a second handoff threshold. When the first handoff threshold is reached, a parallel communication path is established. Below the first handoff threshold both the signal pathway through the WLAN and the alternative network are available to service the communication. However, should the signal quality fall below a second handoff threshold, wherein the second handoff threshold is not present in IBE, the handoff is completed and the communication is serviced by the alternative network. However, should the signal quality increase above the first handoff threshold, the parallel communication pathway via the alternative network is severed and the call may have continuously serviced by the WLAN. IBE merely compares the received signal strength to a single threshold in order to initiate a handoff.

Regarding Claim 28, as previously stated the applicant respectfully submits that IBE fails to teach the determination of the location of the wireless terminal relative to the coverage area of the WLAN. Rather IBE merely determines whether or not a cellular control is proxying for the mobile device.

Regarding Claim 29, the applicant respectfully submits that the claimed invention as presented in Claim 29 may be distinguished from that of IBE in that IBE only compares the signal quality as received at the wireless terminal to a single handoff threshold. The claimed invention compares the signal quality to a first handoff threshold and a second handoff threshold. When the first handoff threshold is reached, a parallel communication path is established. Below the first handoff threshold both the signal pathway through the WLAN and the alternative network are available to service the communication. However, should the signal quality fall below a second handoff threshold, wherein the second handoff threshold is not present in IBE, the handoff is completed and the communication is serviced by the alternative network. However, should the signal quality increase above the first handoff threshold, the parallel communication pathway via the alternative network is severed and the call may have continuously serviced by the WLAN. IBE merely compares the received signal strength to a single threshold in order to initiate a handoff.

Regarding Claim 32, the applicant respectfully submits that IBE fails to teach the initiation of a handoff from between wireless networks before a loss of signal based on relative motion. IBE "measures the signal strength" (IBE Paragraph 0045) while the present invention examines the relative motion between the wireless terminal and the coverage area boundaries of the WLAN such that a handoff may occur based on the relative motion. Unlike IBE a strong signal strength indicator may be received above a pre-defined threshold and the handoff will be initiated on the relative motion of the wireless terminal towards the boundary of the coverage area.

With respect to Claim 35, applicant respectfully submits that IBE does not compare the signal quality of the WLAN and the signal quality of the cellular network. Rather as is cited by the examiner, the mobile device measures the signal strength within the WLAN to determine when it needs to be handed over to the WWAN. "When the received signal strength indicator falls below a pre-determined threshold the mobile device initiates the handoff process." (IBE, Paragraph 0045) The applicant respectfully submits that IBE merely compares the WLAN signal strength to a predetermined threshold and when the signal strength as received falls below a predetermined threshold the handoff may be prompted. The present invention compares the signal quality of both the WLAN and the cellular network in order to determine which network may be better suited to handle the call. This again is also taken into consideration with respect to the location and relative motion of the wireless terminal to the WLAN. For example, should a signal quality of the WLAN momentarily provide a better signal than that of the cellular network would not occur if the relative motion would indicate a need to return to the cellular network prior to the completion of the handoff.

With respect to Claim 36, applicant respectfully submits that IBE as cited fails to compare the signal strength of a number of access points within a WLAN to determine whether or not service to the wireless terminal with the WLAN or the cellular network. The applicant respectfully submits that in IBE no comparison is made between access points as cited in Paragraphs 0044 and 0045 within the WLAN. Again no comparison is made between the signal strength available through the access points of the WLAN and the cellular network. Rather a received signal strength indicator is examined to determine when it falls below a predetermined threshold. The applicant respectfully submits that this differs as previously stated from the claimed invention as the claimed invention compares the two networks and the available network connections while IBE merely compares a signal network connection to a predetermined static threshold.

Regarding Claim 37, the applicant respectfully submits that IBE as cited fails to observe the signal strength over time from a number of access points to predict whether the wireless terminal is leaving a coverage area. For example, by observing the signal strength from a number of access points the wireless terminal may determine its relative location within the wireless local area network within the coverage area. Additionally by observing the signal strength from a number of access points one can determine that if the signal strength from all access points is decreasing that there is no expected available access point to handoff the wireless terminal to within the WLAN. However, when certain access points' signal strengths are increasing and other access points' signal strengths are decreasing the wireless terminal may predict that it is merely transitioning from one access point to another access point within the coverage area as opposed to leaving the coverage area. Again this may be differentiated from what is taught in Paragraph 0045 of IBE, because IBE merely compares the received signal strength to a predetermined threshold. The present invention as claimed compares received signal strength from a number of access points and cellular coverage in order to determine how the call may best be handled.

With respect to Claim 38, applicant respectfully submits that IBE does not compare the signal quality of the WLAN and the signal quality of the cellular network. Rather as is cited by the examiner, the mobile device measures the signal strength within the WLAN to determine when it needs to be handed over to the WWAN. "When the received signal strength indicator falls below a pre-determined threshold the mobile device initiates the handoff process." (IBE, Paragraph 0045) The applicant respectfully submits that IBE merely compares the WLAN signal strength to a predetermined threshold and when the signal strength as received falls below a predetermined threshold the handoff may be prompted. The present invention compares the signal quality of both the WLAN and the cellular network in order to determine which network may be better suited to handle the call. This again is also taken into consideration with respect to the location and relative motion of the wireless terminal to the WLAN. For example, should a signal quality of the WLAN momentarily provide a better signal than that of the cellular network would not occur if the relative motion would indicate a need to return to the cellular network prior to the completion of the handoff.

Regarding Claim 39, the applicant respectfully submits that Claim 39 may be distinguished from IBE in that IBE again fails to examine the signal strength of other available access points within the WLAN. Rather IBE merely compares the received signal strength with a predetermined threshold. The claimed invention determines whether or not any other available access points are decreasing in

signal strength. Thus another available access point may still exceed the handoff threshold; however, because it is decreasing in signal strength it is still desirable to hand the call off to the cellular network as opposed to performing two handoffs from one access point to a second access point prior to handing off to the cellular network.

As such, Applicant respectfully requests the Examiner withdraw the rejections and allow Claims 1,3,6, 9-16,19, 22-29, 32 and 35-39.

Rejections under 35 U.S.C. § 103

Claims 2 stands rejected under 35 U.S.C. § 103 as being unpatentable over IBE in view of Goss, U.S. Patent No. 6,320,534. The Examiner states:

Regarding claim 2, IBE discloses the method of claim 1 as described above, IBE, however, fails to disclose delivering the call to voice mail if the call cannot be delivered to the wireless terminal.

In a similar field of endeavor, Goss discloses a location based personal telephone routing system. Goss further discloses delivering a call to voice mail if the call cannot be delivered to the mobile (col. 5, lines 1-15).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify IBE with the teachings of Goss for the purpose of ensuring that a called party will not miss an important message.

Applicant respectfully submits that there is no motivation, teaching or suggestion to combine IBE with GOSS. Therefore, the rejection on a combination of these references is inappropriate. Withdrawal of the rejection allowance of Claims 2 is respectfully requested.

Applicant further submits that neither IBE or GOSS alone nor the combination of the two teaches or suggests make obvious the invention recited in Claim 2 because the instant application as claimed determines the location of the wireless terminal relative to the coverage area of APs within the WLAN, while the cited references fail to do so.

With regards to Claim 2, applicant respectfully submits that Claim 2 depends from amended Claim 1. Applicant respectfully submits that the independent claims as amended are patently distinct over IBE with GOSS. The claimed invention determines the physical location of the wireless terminal relative to individual access points within the WLAN and may allocate WLAN resources to service the call when the wireless terminal is within a coverage area of at least one access point based on call servicing factors. The applicant respectfully submits that neither IBE nor GOSS allocate WLAN resources based on call servicing factors. Specifically call servicing factors may include “signal quality, available bandwidth and cost”. (10/780, 160 Page 7 Lines 17-19). The applicant respectfully submits that IBE merely determines if the wireless terminal is within the coverage of the WLAN and preferentially services the call with the WLAN without considering other call servicing factors such as signal quality, cost and available bandwidth. The present invention allows for the call to be serviced by an alternate network even though the wireless terminal is within the coverage average of the WLAN dependent on the desired signal quality, available bandwidth, and cost functions. When WLAN resources sufficient to service the call are not available as determined by the call servicing factors and the existing conditions the present invention allows for an alternative network such as cellular, satellite or other networks to service and handle the call.

Applicant respectfully points out that in order to combine references for an obviousness rejection, there must be some teaching, suggestion or incentives supporting the combination. *In re Laskowski*, 871 F.2d 115, 117, 10 U.S.P.Q. 2d 1397, 1399 (Fed. Cir. 1989). The mere fact that the prior art could be modified does not make that modification obvious unless the prior art suggests the desirability of the modification. *In re Gordon*, 733 F.2d 900, 902, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984). In addition, it is well established that Applicant’s disclosure cannot be used to reconstruct Applicant’s invention from individual pieces found in separate, isolated references. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596 (Fed. Cir. 1988). Applicant respectfully submits that there is no motivation, teaching or suggestion to combine IBE with Goss. Therefore, the rejection on a combination of these references is inappropriate. Withdrawal of the rejection allowance of Claim 2 respectfully requested.

Claims 4, 5, 18 and 31 stand rejected under 35 U.S.C. § 103 as being unpatentable over IBE in view of Rajkotia et al (Rajkotia), U.S. Patent Pub. No. 2004/0121774). The Examiner states:

Regarding claim 4, IBE discloses the method of claim 3 as described above. IBE, however, fails to disclose determining the location of the wireless terminal with Global Positioning Satellites (GPS).

In a similar field of endeavor, Rajkotia discloses an apparatus and method for performing an interfrequency handoff in a wireless network. Rajkotia further discloses determining the location of the wireless terminal with Global Positioning Satellites (GPS). determining the location of the wireless terminal with Global Positioning Satellites (GPS) (0052).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify IBE with the teachings of Rajkotia for the purpose of more accurately locating the mobile station when it is traveling through multiple systems.

Applicant respectfully submits that there is no motivation, teaching or suggestion to combine IBE with Rajkotia. Therefore, the rejection on a combination of these references is inappropriate. Withdrawal of the rejection allowance of Claims 4, 5, 18 and 31 is respectfully requested.

Applicant further submits that neither IBE or GOSS alone nor the combination of the two teaches or suggests make obvious the invention recited in Claim 2 because the instant application as claimed determines the location of the wireless terminal relative to the coverage area of the WLAN, while the cited references fail to do so.

With regards to Claims 4, 5, 18 and 31, applicant respectfully submits that Claims 4, 5, 18 and 31 depends from amended independent claims which determine the physical location of the wireless terminal relative to individual access points within the WLAN and may allocate WLAN resources to service the call when the wireless terminal is within a coverage area of at least one access point based on call servicing factors. The applicant respectfully submits that neither IBE nor GOSS allocate WLAN resources based on call servicing factors. Specifically call servicing factors may include “signal quality, available bandwidth and cost”. (10/780, 160 Page 7 Lines 17-19). The applicant respectfully submits that IBE merely determines if the wireless terminal is within the coverage of the WLAN and preferentially services the call with the WLAN without considering other call servicing factors such as signal quality, cost and available bandwidth. The present invention allows for the call to be serviced by an alternate network even though the wireless terminal is within the coverage average of the WLAN dependent on the desired signal quality, available bandwidth, and cost

functions. When WLAN resources sufficient to service the call are not available as determined by the call servicing factors and the existing conditions the present invention allows for an alternative network such as cellular, satellite or other networks to service and handle the call.

Applicant respectfully points out that in order to combine references for an obviousness rejection, there must be some teaching, suggestion or incentives supporting the combination. *In re Laskowski*, 871 F.2d 115, 117, 10 U.S.P.Q. 2d 1397, 1399 (Fed. Cir. 1989). The mere fact that the prior art could be modified does not make that modification obvious unless the prior art suggests the desirability of the modification. *In re Gordon*, 733 F.2d 900, 902, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984). In addition, it is well established that Applicant's disclosure cannot be used to reconstruct Applicant's invention from individual pieces found in separate, isolated references. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596 (Fed. Cir. 1988). Applicant respectfully submits that there is no motivation, teaching or suggestion to combine IBE with Rajkotia. Therefore, the rejection on a combination of these references is inappropriate. Withdrawal of the rejection allowance of Claims 4, 5, 18 and 31 is respectfully requested.

Claims 7, 8, 20, 21, 33 and 34 stand rejected under 35 U.S.C. 103(a) as being unpatentable over IBE in view of Wang et al (Wang), U.S. Patent Pub. No. 2004/0192341. The examiners states:

Regarding claims 7, 20 and 33, IBE discloses the method of claims 3, 14 and 27 as described above. IBE, however, fails to disclose predicting if the wireless terminal will leave a coverage area of the WLAN based on previous movements of the wireless terminal relative to the coverage area of the WLAN.

In a similar field of endeavor, Wang discloses an apparatus and an associated method for reserving resources in a mobile communication system through the use of historical indicia.

Wang further discloses predicting if a wireless terminal will leave a coverage area of a network based on previous movements of the wireless terminal relative to the coverage area of the network (0044); figure 7).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify IBE with the teachings of Wang for the purpose of knowing whether resources should be reserved for the mobile in an effort to maintain communication.

Regarding claims 8, 21 and 34, the combination of IBE and Wang discloses the method of claims 7, 20 and 33 further comprising servicing the call with the WLAN when the wireless terminal is predicted to stay within the coverage area of the WLAN (0045).

Applicant respectfully points out that in order to combine references for an obviousness rejection, there must be some teaching, suggestion or incentives supporting the combination. *In re Laskowski*, 871 F.2d 115, 117, 10 U.S.P.Q. 2d 1397, 1399 (Fed. Cir. 1989). The mere fact that the prior art could be modified does not make that modification obvious unless the prior art suggests the desirability of the modification. *In re Gordon*, 733 F.2d 900, 902, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984). In addition, it is well established that Applicant's disclosure cannot be used to reconstruct Applicant's invention from individual pieces found in separate, isolated references. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596 (Fed. Cir. 1988). Applicant respectfully submits that there is no motivation, teaching or suggestion to combine IBE with Wang. Therefore, the rejection on a combination of these references is inappropriate. Withdrawal of the rejection allowance of Claims 7, 8, 20, 21, 33 and 34 is respectfully requested.

Claims 17 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over IBE in view of well known prior art.

Regarding claims 17 and 30, IBE discloses the methods of claims 14 and 27 as described above.

IBE, however, fails to disclose wherein the alternative network comprises a satellite-based network.

The examiner contends, however, that satellite networks are well known in art and it is further known for handoff functions to take place in satellite networks and the examiner takes official notice as such.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify IBE with the teachings of well known prior art since it is known that satellite systems can in certain instances, provide more coverage to users.

With respect to Claims 14 and 27 from which 17 and 30 depend, the applicant respectfully submits that the claimed invention as presented in the Claims may be distinguished from that of IBE in that the claimed invention determines the physical location of the wireless terminal relative to individual access points within the WLAN and may allocate WLAN resources to service the call when the wireless terminal is within a coverage area of at least one access point based on call servicing factors. The applicant respectfully submits that neither IBE nor GOSS allocate WLAN resources based on call servicing factors. Specifically call servicing factors may include “signal quality, available bandwidth and cost”. (10/780, 160 Page 7 Lines 17-19). The applicant respectfully submits that IBE merely determines if the wireless terminal is within the coverage of the WLAN and preferentially services the call with the WLAN without considering other call servicing factors such as signal quality, cost and available bandwidth. The present invention allows for the call to be serviced by an alternate network even though the wireless terminal is within the coverage average of the WLAN dependent on the desired signal quality, available bandwidth, and cost functions. When WLAN resources sufficient to service the call are not available as determined by the call servicing factors and the existing conditions the present invention allows for an alternative network such as cellular, satellite or other networks to service and handle the call.

Applicant respectfully points out that in order to combine references for an obviousness rejection, there must be some teaching, suggestion or incentives supporting the combination. *In re Laskowski*, 871 F.2d 115, 117, 10 U.S.P.Q. 2d 1397, 1399 (Fed. Cir. 1989). The mere fact that the prior art could be modified does not make that modification obvious unless the prior art suggests the desirability of the modification. *In re Gordon*, 733 F.2d 900, 902, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984). In addition, it is well established that Applicant’s disclosure cannot be used to reconstruct Applicant’s invention from individual pieces found in separate, isolated references. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596 (Fed. Cir. 1988). Applicant respectfully submits that there is no motivation, teaching or suggestion to combine IBE with such united prior art. Therefore, the rejection on a combination of these references is inappropriate. Withdrawal of the rejection allowance of Claims 17 and 30 is respectfully requested.

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 1-39.

Respectfully submitted,

/Robert A. McLauchlan, Reg. No. 44,924/

Robert A. McLauchlan
Reg. No. 44,924

Date: January 25, 2008

ATTORNEY FOR APPLICANTS

Robert A. McLauchlan
Garlick, Harrison & Markison
P.O. Box 160727
Austin, Texas 78716-0727
Tel: (512) 339-4100
Fax: (512) 692-2529